

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

**AMENDED CLEANUP AND ABATEMENT ORDER NO. 6-98-20A2
WDID NO. 6B369003001**

**REQUIRING MOLYCORP, INC.;
TO CLEAN UP AND ABATE THE EFFECTS OF WASTE DISCHARGES
TO THE IVANPAH VALLEY (IVANPAH HYDROLOGIC UNIT)
FROM THE
NEW IVANPAH DISPOSAL PONDS**

San Bernardino County_____

The California Regional Water Quality Control Board, Lahontan Region (Regional Board), finds:

1. Discharger

Molycorp, Inc. (Molycorp) operates a lanthanide mining and milling operation at Mountain Pass, San Bernardino County, which discharged wastewater to the New Ivanpah Disposal Ponds located on Ivanpah (Dry) Lake Bed (Sections 5, 8 & 9 T16N, R15E: SBB&M; San Bernardino County). For the purpose of this Cleanup and Abatement Order, Molycorp is referred to as the Discharger.

2. Cleanup and Abatement Order No. 6-98-20

On March 25, 1998, Cleanup and Abatement Order No. 6-98-20 (CAO) was issued by the Executive Officer requiring Molycorp to conduct a Site Investigation and Feasibility Study. The Site Investigation Report and Feasibility Study recommendations were due to Regional Board staff by February 1, 1999. The CAO also required Molycorp submit a Revised Report of Waste Discharge (RWD) containing a revised Water Quality Monitoring and Response Program, a Closure and Post-Closure Maintenance Plan, an Instrument of Financial Assurance, a Cleanup Level/Degradation Analysis Application and an implementation schedule to this office by March 15, 1999. Within 30 days of approval of the Feasibility Study, the CAO required Molycorp to implement an acceptable Ground Water Corrective Action program.

3. Amended Cleanup and Abatement Order No. 6-98-20A1

Amended Cleanup and Abatement Order No. 6-98-20A1 (CAO) was issued by the Executive Officer on October 14, 1998. The amended CAO required Molycorp to cease from discharging wastes from conveyance facilities to areas other than authorized disposal sites. The amended Order also required Molycorp to respond to Regional Board staff comments on the New Ivanpah Disposal Ponds Remedial Action Plan (RAP) by November 13, 1998 and subsequently provide a RAP Completion Report to staff by April 23, 1999.

4. Reasons to Amend Order

It is appropriate to amend certain sections of Cleanup and Abatement Order No. 6-98-20 for the purpose of allowing more time for Molycorp to complete the Site Investigation Report and Feasibility Study. Molycorp was required to obtain permission from adjacent landowners for right-of-way access to install ground water monitoring wells for the Site Investigation. Molycorp has documented its efforts to obtain access to complete required fieldwork. Molycorp has also stated that it has now obtained right-of-way agreements; however, additional time is required for Molycorp to complete the Site Investigation and Feasibility Study Report due to delays encountered during the access application and permitting process with the Bureau of Land Management.

5. Amended Cleanup and Abatement Order No. 6-98-20A2

Order No. 1 below replaces Order No. 10 of Cleanup and Abatement Order No. 6-98-20.
Order No. 2 below replaces Order No. 11 of Cleanup and Abatement Order No. 6-98-20.
Order No. 3 below replaces Order No. 12 of Cleanup and Abatement Order No. 6-98-20.

6. California Environmental Quality Act

This enforcement action is being taken by this regulatory agency to enforce provisions of the California Water Code and, as such, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations (CCR).

IT IS HEREBY ORDERED that, pursuant to California Water Code §13267 and §13304, the Discharger shall complete the following.

1. By **February 29, 2000**, Molycorp shall submit to the Regional Board a **Site Investigation Report** describing the investigation results. The following items shall be included.
 - a) A description of work performed, tabulated analytical results, well logs, copies of laboratory reports, waste classification and disposal locations for drill fluids, and other relevant information.
 - b) Plan-view and cross-sectional-view maps, which include:
 - i) the Background and Upper Water Quality Objective (WQO) Boundaries, and isoconcentration boundaries described in Order No. 2.b. of Cleanup and Abatement Order No. 6-98-20;
 - ii) areas up to 2.0 miles beyond the boundary of affected ground water;
 - iii) ground water table equipotential contour lines;
 - iv) property boundaries;
 - v) boundaries of U.S. Geological Survey sections, townships and ranges;
 - vi) buildings, dwellings, and other significant structures; and,

- vii) locations of existing monitoring and water supply wells (both active and inactive), including ownership of the land on which the wells are constructed.
- 2. By **February 29, 2000** submit to the Regional Board a **Feasibility Study Report** evaluating appropriate Ground Water Corrective Action alternatives that includes, but is not limited to:
 - a) results of mathematical modeling including **cleanup time estimates and projections** for any proposal to allow plume boundaries to migrate;
 - b) **cost evaluations**; and,
 - c) Molycorp's recommended **cleanup alternative**.
- 3. By **March 31, 2000**, Molycorp shall submit a **Revised RWD** including the following:
 - a) a report containing a revised **Water Quality Monitoring and Response Program** complying with the requirements of 27 CCR Sections 20380 through 20430, which includes a **Ground Water Corrective Action Program** proposal;
 - b) a revised **Closure and Post-Closure Maintenance Plan** complying with 27 CCR Section 21400;
 - c) a revised **Instrument of Financial Assurance** adequate to cover the costs of Closure, Post-Closure Maintenance and all Known and Reasonable Foreseeable Releases for the entire facility;
 - d) a **Cleanup Level/Degradation Analysis Application** to the Regional Board for any proposed cleanup standards greater than background or proposals to allow plume boundary migration, in the event Molycorp's recommended alternative involves such proposals; and,
 - e) a **Time Schedule** for implementing the Ground Water Corrective Action Program.
- 4. All Orders contained in Cleanup and Abatement Order No. 6-98-20 and 6-98-20A1 that are not amended herein remain in effect.

The Executive Officer may name adjacent landowners or operators as Dischargers, and amend this Order naming them, if the adjacent land owners fail to provide Molycorp with full property access to allow off site investigation and routine monitoring work to proceed.

MOLYCORP, INC.
New Ivanpah Disposal Ponds
San Bernardino County

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CLEANUP AND ABATEMENT
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Failure to comply with the terms or conditions of this CAO will result in additional enforcement action that may include the imposition of administrative civil liability and/or referral to the Regional Board for referral to the Attorney General of the State of California for such legal action as he or she may deem appropriate.

Ordered by: _____

HAROLD J. SINGER
EXECUTIVE OFFICER

Dated: October 27, 1999

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